



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
FEBRUARY 7, 2012**

On this 7<sup>th</sup> day of February 2012 at 5:30 p.m., the City Commission of the City of Weslaco, Texas convened in Regular Session at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	Miguel D. Wise
Mayor Pro-Tem	J.F. "Johnny" Cuellar
Commissioner	Robert Garza
Commissioner	Olga M. Noriega
Commissioner	Gerardo "Jerry" Tafolla
Commissioner	Lupe V. Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
City Secretary	Elizabeth Walker
City Attorney	Ramon Vela

Also present: Rey Garcia, IT Director; Sonia Flores, Interim Finance Director; Elvia Rios, Interim Human Resources Director; David Salinas, Public Utilities Director; Oscar Garza, Public Facilities Director; Fire Chief Jimmy Cuellar; Interim Police Chief Michael Kelley; Jorge Gonzalez, Planning & Code Enforcement Director; Arnold Becho, Library Director; Lupe Garcia, Parks & Recreation Director; and several other staff members and citizens.

**I. CALL TO ORDER**

- A. Certification of Public Notice.  
Mayor Wise called the meeting to order and certified the public notice of the meeting as properly posted Friday, February 3, 2012.
- B. Mayoral Proclamations and Recognitions.  
The Mayor presented proclamations recognizing IHOP Pancake Day to benefit Shriners Hospitals and Career & Technology Month.
- C. Invocation.  
Ecclesiastic Leader Jeffrey Berry of the Church of Jesus Christ of Latter-day Saints delivered the invocation.
- D. Pledge of Allegiance.  
Mayor Wise recited the Pledge of Allegiance and the Texas Flag.
- E. Roll Call.  
Elizabeth Walker, City Secretary, called the roll, noting perfect attendance.

**II. PUBLIC HEARINGS**

- A. To solicit input on behalf of Delma Gonzalez to approve a Conditional Use Permit to operate a daycare center at 1918 E. 2<sup>nd</sup> Street, also being Lot 73, Park Meadows Unit II Subdivision, Weslaco, Hidalgo County, Texas.

Commissioner Garza, seconded by Mayor Pro-Tem Cuellar, moved to open the public hearing on item II. A. as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

No comments were received.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to close the public hearing on item II. A. as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

### **III. STATUS REPORTS AND VISITORS WITH BUSINESS**

- A. Katie Walters, Advocacy Alliance Center of Texas, on voting initiatives.

There was no report delivered.

### **IV. CONSENT AGENDA**

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of the Minutes of the Regular Meeting of January 17, 2012. Attachment.
- B. Approval on Second and Final Reading the following Ordinances:
- 1) Ordinance 2012-04 to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 801 S. Missouri Ave., being Lots 25 & 26, Block 1, Orange Grove Subdivision, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-4 Neighborhood Office District." (First Reading held January 17, 2012.) Attachment.
- C. Approval of Resolution 2012-08 mandating at City Cemetery the use of concrete or other non-permeable materials on all graves. (Item as requested by the Mayor.) Attachment.

Commissioner Tafolla requested item IV. B 2 be withheld from the consent agenda. Mayor Pro-Tem Cuellar, second by Commissioner Rivera, moved to approved items A, B 1. and C of the consent agenda as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Ordinance and Resolution read as follows:

#### **ORDINANCE NO. 2012-04**

**AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 801 S. MISSOURI AVE., ALSO BEING LOTS 25 & 26, BLOCK 1, ORANGE GROVE SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS, FROM “R-1 SINGLE FAMILY DWELLING DISTRICT” TO “B-4 NEIGHBORHOOD OFFICE DISTRICT.”**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:**

**SECTION I:** To rezone from “R-1 Single Family Dwelling District” to “B-4 Neighborhood Office District” Lots 25 & 26, Block 1, Orange Grove Subdivision, also being 801 S. Missouri Avenue, Weslaco, Hidalgo County, Texas.

**SECTION II:** That this ordinance shall become effective upon its passage. **PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this 17<sup>th</sup> day of January, 2012.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 7<sup>th</sup> day of February, 2012.

s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

**RESOLUTION NO. 2012-08**

**A RESOLUTION OF THE CITY OF WESLACO AMENDING WESLACO CEMETERY RULES AND REGULATIONS TO REQUIRE CONCRETE LINERS OR OTHER NON-PERMEABLE MATERIALS.**

**WHEREAS**, the Weslaco City Commission adopted on April 19, 2005 Weslaco Cemetery Rules and Regulations that are codified in the City of Weslaco Code of Ordinances as Section 38-5; and

**WHEREAS**, Section 38-5 (9) made it mandatory to use concrete liners in graves.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** concrete liners or other non-permeable material will now be mandatory on all graves that after passage of Resolution 2012-08 Section 38-5 (9) will read as follows:

**38-5**

(9) concrete liners or other non-permeable material on all graves.

**Section II**

All other rules and regulations of Section 38-5 shall continue in effect.

**PASSED AND APPROVED** on this 7<sup>th</sup> day of February, 2012.

s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

**V. APPOINTMENTS**

- A. Discussion and consideration to accept the resignation of Lina Lawrence and approve Resolution 2012-09 to fill the unexpired term of one member from Place 1 on the Board of Directors of the Economic Development Corporation of Weslaco ending September 30, 2013. Possible action. Attachment.

There was no action on this item.

## **VI. NEW BUSINESS**

- A. Discussion and consideration to approve a Conditional Use Permit to operate a daycare center at 1918 E. 2<sup>nd</sup> Street, also being Lot 73, Park Meadows Unit II Subdivision, Weslaco, Hidalgo County, Texas on behalf of Delma Gonzalez. Possible action. Attachment.

The City Manager stated notice had been published; both the Planning and Zoning Commission and staff recommend approval.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Discussion and consideration to approve the Final Plat of Midway Court Phase I Subdivision, being a 3.667 acre tract of land out of Farm Tract 644, Block 177, West and Adams Tract Subdivision, Hidalgo County, Texas on behalf of Adobe Construction, LLC, and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated this is an 18-unit subdivision with water service by the North Alamo Water Supply Corporation; both the Planning and Zoning Commission and staff recommend approval.

Commissioner Garza, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Discussion and reconsideration to approve an interlocal agreement with Hidalgo County for street improvements on Westgate Drive from Mile 9 – Mile 11 and authorize the Mayor to execute any related documents. Possible action. (Interlocal approved January 3, 2012.) Attachment.

The City Manager explained funds for this \$7 million project were secured by Congressman Hinojosa; the Commission approved an Interlocal on January 3, however the county proposed some substantive changes which are acceptable to staff. Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration to accept a utility easement and right-of-way from Jason Eberly, declare it as public property, and authorize the Mayor to execute the agreement. Possible action. Attachment.

The City Manager characterized Mr. Eberly as a good neighbor, who is convening the easement to serve his property as well as that of Trinity subdivision. Commissioner Martinez requested to inspect the exhibits that accompany the easement.

Commissioner Tafolla, second by Commissioner Garza, moved to approve the item

as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- E. Discussion and consideration to approve Final Payment to DKIII Hornback RFD for the Lift Station #27 project in an amount of \$24,862.50 and Final Payment to Sigler Winston Greenwood for engineering fees related to the same project in an amount of \$5,075.00 subject to certain conditions as outlined by the project engineer. Possible action. Attachment.

Commissioner Garza, second by Commissioner Rivera, moved to approve the item as presented contingent on the release of any claim by Verizon and the property owner. The motion carried unanimously; Mayor Wise was present, but not voting.

- F. Discussion and consideration to approve a budget amendment in the amount of \$155,000.00 and \$158,000.00 for the 25% grant match for the Engineering Services for Phase I of the FEMA Drainage Improvement Projects at Las Brisas and the South Detention Pond (projects DR 1791-119 and DR 1791-134, respectively) and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated this would allow the City to meet the local match obligations for two grants as awarded.

The Commissioner Rivera, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- G. Discussion and consideration to approve Amendment No. 1 to Contract No. CSO 193 with the Texas Comptroller of Public Accounts State Energy Conservation Office (SECO) related to the American Recovery and Reinvestment Act (ARRA) to install a 302.68 KW ground-mounted solar photovoltaic (PV) system to modify the total contracted agreement to \$1,680,479.00 and modify the contracted agreement match to \$421,120.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated the state reduced the scale of the solar cell project at the South Waste Water Treatment Plant with an April 30 project deadline; this project will not serve the entire facility, but will meet 75% of the energy needs there.

Commissioner Tafolla, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- H. Discussion and consideration to renew the franchise agreement with Liquid Environmental Solutions of Texas, LLC for grease trap waste collection services for a second seven-year term with 12-months remaining on the present contract in consideration of the balance of remaining franchise fees to be paid in full up front. Possible action. (Agreement with Liquid Environmental Solutions approved March 1, 2011.) Attachment.

There was no action on this item.

- I. Discussion and consideration to approve the License Agreement with Martin Davila, owner of Jitters Coffee House LLC, for utilization of space at the Joe V. Sanchez Public Library for a coffee shop business for a period of twelve months at a minimum monthly rental of \$700.00 or five-percent of gross receipts, whichever sum is greater, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- J. Discussion and consideration to authorize staff to submit a grant application to the Universal Service Fund ERate 2012-2013 program for telecommunication services, internet access, and basic maintenance, accept funds upon award, and accept of additional funding if awarded during the grant year, authorize a budget amendment as appropriate, authorize issuance of any Request for Proposals as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated this serves as a renewal of the ERate program as funded through proceeds captured in phone bills.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- K. Discussion and consideration approve the amendment to the service agreement with Time Warner Cable Business Class to expand internet connectivity to 40 X 40 Mbps at the Mayor Joe V. Sánchez Public Library, and authorize the Mayor to execute any related documents. Possible action. Attachment.

There was no action on this item.

- L. Discussion and consideration to adopt Ordinance 2012-06 amending Ordinance 1990-15 to adopt the revised Records Control Schedule as set by the Texas State Library and Archives Commission on August 25, 2011. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

## **VII. CITY MANAGER'S REPORT**

- A. Report on Departmental Update, Upcoming Meetings and Appointments.

The City Manager reported that online bill pay is coming; the animal shelter is complete; infrastructure improvements funded through the Community Development Block Grant at Calle Republica and Libertad are nearing completion; and the fields at Harlon Block Park reopen March 21.

B. Report by Human Resources Department.

There was no report delivered.

- IV. B. Approval on Second and Final Reading the following Ordinances: Ordinance 2012-05 to amend Zoning Ordinance No. 320 and the City of Weslaco Zoning Map to rezone 512 Santa Ana Street, also being the West half of Lot 6 and all of Lot 7, Block 2, Lackland Subdivision, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.” (First Reading held January 17, 2012; a three-fourths vote of the Commission is required to approve as Planning and Zoning Commission denied the request July 20 and August 17 and over 20% of the property owners within 200 feet of the property protested as per §150-20(d) of the Weslaco Code of Ordinances.) Attachment.

Withheld from the Consent Agenda to discuss as Old Business, the City Manager explained the Planning and Zoning Commission denied the request and staff recommended approval. Commissioner Tafolla stated that the people have spoken through petition: this proposed business location is in the middle of the subdivision and he and the majority of the property owners want to keep the neighborhood intact. Commissioner Noriega stated that she feels a responsibility to follow the comprehensive plan, which is right for the whole community not just a select few. Commissioner Tafolla, seconded by Commissioner Rivera, moved to deny the item as presented. The motion carried: FOR - Mayor Pro-Tem Cuellar, Commissioners Tafolla, Rivera, and Garza, AGAINST – Commissioners Martinez and Noriega (4-2); Mayor Wise was present, but not voting.

Mayor Wise left the dais and Mayor Pro-Tem presided over the remainder of the meeting.

VIII. **PUBLIC COMMENTS**

Ms. Brenda Reyes expressed support of the denial of the rezone request at 512 Santa Ana Street.

Ms. Yolanda Mendez reiterated that more than 70% of the property owners within 200 feet of the rezone proposed at 512 Santa Ana Street had opposed the request.

Ms. Mary Moad expressed appreciation for authorizing the rezone request at 801 S. Missouri Avenue.

IX. **EXECUTIVE SESSION**

At 6:31 p.m., the Mayor Pro-Tem announced the meeting to convene in Executive Session; at 6:42 p.m., the Mayor Pro-Tem announced the Commission had completed its Executive Session and reconvened the meeting as open to the public.

X. **POSSIBLE ACTION ON WHAT IS DISCUSSED  
IN EXECUTIVE SESSION**

- A. Economic Development – Discussion to authorize the Economic Development Corporation of Weslaco to enter into a Development Agreement that provides an

incentive over One Hundred Thousand Dollars (\$100,000.00) for a significant expansion of a local business pursuant to §551.087 of the Texas Government Code.

Commissioner Martinez, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

**XI. ADJOURNMENT**

With no other business before the Commission, at 6:42 p.m. Commissioner Martinez, seconded by Commissioner Garza, moved to adjourn the February 7, 2012 meeting. The motion carried unanimously; Mayor Wise was present, but not voting.

**CITY OF WESLACO**

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**MAYOR**, Miguel D. Wise

**ATTEST:**

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**CITY SECRETARY**, Elizabeth M. Walker

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**MAYOR PRO-TEM**, J.F. “Johnny” Cuellar

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**COMMISSIONER**, Robert J. Garza

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**COMMISSIONER**, Olga M. Noriega

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**COMMISSIONER**, Gerardo “Jerry” Tafolla

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**COMMISSIONER**, Lupe V. Rivera

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**COMMISSIONER**, Joe A. Martinez